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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Babiak, Robert

Serial No.: 10/673,984

Filed: September 30, 2003

Group and Unit: 3765

Examiner: Amy B. Vanatta

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action made on April 20, 2004, Applicant through his undersigned attorney respectfully submits this response. As an initial matter, it is noted that a Power of Attorney signed by the Applicant Robert Babiak granting the undersigned authority to prosecute this application is also being filed herewith.

Preliminary Responses

Applicant is submitting a Substitute Specification attached hereto as Exhibit A. Applicant's counsel has rearranged the previously submitted Pro Se specification to confirm with proper practice with minimal typographical changes. No new matter has been added to the Specification by this change. In addition, a revised drawing is being submitted herewith to overcome the objections to the originally submitted drawing.

In the Claims

Please delete pending Claim 1 and add the following new Claim 2:

Handwritten signature and stamp: "I hereby certify that the foregoing is being submitted in accordance with the provisions of the Patent and Trademark Office Rules." The stamp also includes the words "Examiner", "Commit", and "Washin".

- 2) A cushioned protective torso cover for an adult to wear when caring for an infant comprising:

An outer covering comprising a front, a back, a periphery, shoulder coverings with a closure device adapted for the adult's neck comprising a hood and latch closure and means for securing the torso cover around the adult's waist whereby the front and the back are fabricated together by sewing around the periphery and thereby forming an internal pocket which is filled with a padding material prior to final sewing of the periphery.

- 2) A cushioned protective torso cover for an adult to wear when caring for an infant comprising:

An outer covering comprising a front, a back, a periphery, shoulder coverings with a closure device adapted for the adult's neck comprising a hood and latch closure and means for securing the torso cover around the adult's waist whereby the front and the back are fabricated together by sewing around the periphery and thereby forming an internal pocket which is filled with a padding material prior to final sewing of the periphery.

REMARKS

Claim 1 from the original application has been cancelled and new claim 2 is now pending. A claim copy of New Claim 2 is attached hereto as Exhibit B.

The examiner rejected the initially filed claims under 35 U.S. C. 103(a) in light of Hansen U.S. Patent No. 5, 709,000 and Bolds-Leftridge U.S. Application 2002/0108162 A1. It is respectfully submitted that the structural recitations in the pending Claims patentably distinguishes the cited references. In particular, neither reference includes both a space neck closure and means for securing the torso cover around the adult's waist. Thus, Applicant respectfully request that the pending application be allowed.

Dated: 7/26/04

Respectfully Submitted,

By: 

Arthur M. Peslak
Registration No. 35642

Mandel & Peslak, LLC
80 Scenic Drive, Suite 5
Freehold, NJ 07728
Tel No. (732) 761-1610
Fax No. (732) 761-1611